



## UNITED STATES PATENT AND TRADEMARK OFFICE

NK.

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,616	02/12/2001	Mark C. Pace	19538-05563	9755

758            7590            07/11/2003  
FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

EXAMINER	
JONES, SCOTT E	
ART UNIT	PAPER NUMBER

3713  
DATE MAILED: 07/11/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/782,616	PACE ET AL. <i>CN</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Scott E. Jones	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 April 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-23,25-69 and 71-111 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-23,25-69 and 71-111 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 02 April 2003 is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on April 2, 2003 in which applicant amends claims 1, 23, and 25, corrects figures 1 and 3, and responds to the claim rejections. Claims 1, 3-23, 25-69, and 71-111 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-23, 25-69, and 71-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson, Jr. et al. (U.S. 5,774,877) in view of Boushy et al. (U.S. 6,003,013).

Patterson, Jr. et al. discloses a two-way wireless system and method for brokers to schedule and service financial industry transactions. Patterson, Jr. et al. additionally discloses:

Regarding Claims 1, 23, 45-46, 49, 68, and 71:

- a decision determining system coupled to communication devices that receive requests for service, a set of rules are used to schedule the service requests, and the decision determining system selects an attendant (Broker) to service the request (Abstract, Figures 14-18, and Column 6, line 31-Column 7, line 43);
- a communication system coupled to the decision determining system to transmit a message to the attendant (Broker) selected to service the request (Abstract, Figures 14-18, Column 6, line 31-Column 7, line 43, Column 8, line 15-Column 11, line 40);

Art Unit: 3713

- a plurality of message receivers used by the service attendants (Brokers) to receive the messages from the communication system (Column 15, lines 35-40).

Regarding Claims 4 and 26:

- the communication system is a two-way messaging system and the message receivers are two-way message transceivers (Abstract, Figures 14-18, and Column 6, line 31-Column 7, line 43).

Regarding Claims 5, 27 and 47:

- the primary service attendant (Broker) can accept or decline to service an event using the two-way message receiver, and wherein: in response to the primary service attendant (Broker) declining to service an event (not acknowledging request), the decision system selects a secondary service attendant (Broker) for servicing the event, and transmits a message to the secondary service attendant (Abstract, Figures 14-18, Column 6, line 31-Column 7, line 43, Column 8, line 15-Column 11, line 40).

Regarding Claims 6, 28 and 48:

- in response to the primary service attendant accepting to service a request, the decision determining system establishes the primary service attendant as being unavailable to service another event until the request is completed (Abstract, Figures 14-18, Column 6, line 31-Column 7, line 43, Column 8, line 15-Column 11, line 40).

Regarding Claims 7, 8, 17, 20, 29, 30, 39, 50, 52, 53, 62, 65, 69, 79, 82, 92, 106, and 109:

- the decision determining system monitors the time (**456**) taken to service an event (Figures 9 and 10).

Regarding Claims 9, 20, 31, 54, 65, 82, and 109:

- the rules of the decision determining system for scheduling events includes at least one rule for scheduling events according to a type of event. Quotes (716a) and Orders (716b) (type of event) are scheduled according to at least one rule (Figure 14).

Regarding Claims 19, 41, 51, 64, 81, 94, 98, and 108:

- at least one rule for messaging a supervisor of the primary service attendant if the primary service attendant has not completed servicing the event in a certain amount of time (Column 6, line 38-Column 7, line 17). The manager can monitor the progress of one or more brokers at all times.

Regarding Claims 16, 18, 20, 38, 40, 61, 63, 65, 78, 80, 82, 91, 93, 105, 107, and 109:

- the rules of the decisioning system for scheduling events include at least one rule for scheduling events according to a location of the service location (Column 9, line 55-Column 10, line 5).

Patterson, Jr. et al. seems to lack explicitly disclosing:

Regarding Claims 1, 45, and 46:

- service locations are gaming machines, and communication devices for communicating game events to a gaming machine management system.

Regarding Claims 3 and 25:

- the gaming machines are slot machines and the interface boards communicate slot events to the gaming machine management system.

Regarding Claims 10, 17, 20, 32, 39, 42, 55, 62, 65, 72, 79, 82, 85, 92, 95, 99, 106, and 109:

- the rules of the decisioning system for scheduling events include at least one rule for scheduling events according to a value of the customer at the service location that generated the event.

Regarding Claims 11, 33, 56, 73, 86, and 100:

- the customer value is based on potential revenue generated by the customer.

Regarding Claims 12, 34, 57, 74, 87, and 101:

- the customer value is based on a theoretical win profile of the customer.

Regarding Claims 13, 35, 58, 75, 88, and 102:

- the customer value is based upon a room rate occupied by the customer.

Regarding Claims 14, 36, 59, 76, 89, and 103:

- the customer value is based upon a type of room occupied by the customer.

Regarding Claims 15, 37, 60, 77, 90, and 104:

- the customer value is based on a number of persons in a party associated with the customer.

Regarding Claims 21, 43, 46, 66, 83, 96, and 110:

- a customer database, communicatively coupled to the decisioning system and containing customer records indicating for each customer a measure of the customer's value and customer's identification number, the decisioning system receiving from a service location a customer identification number and querying the customer database with the received customer identification number to obtain the measure of the customer's value, the decisioning system scheduling the event for service according to the obtained customer value.

Regarding Claims 22, 44, 67, 84, 97, and 111:

- each service location includes a customer identification card reader, for reading a customer identification card reader, for reading customer identification number from a customer identification card.

Boushy et al. teaches of a customer worth differentiation system for customer tracking and recognition program that provides various enhanced physical instrumentalities and distinguished services to a customer based upon the customer's worth to the casino. Boushy et al. and Patterson, Jr. et al. are analogous art because both require systems to manage and communicate messages to service attendants who service financial transactions or patrons at gaming machines at casinos.

Boushy et al. further teaches :

Regarding Claims 1, 45, and 46:

- service locations are gaming machines, and communication devices for communicating game events to a gaming machine management system (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 3 and 25:

- the gaming machines are slot machines and the interface boards communicate slot events to the gaming machine management system (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 10, 17, 20, 32, 39, 42, 55, 62, 65, 72, 79, 82, 85, 92, 95, 99, 106, and 109:

- the rules of the decisioning system for scheduling events include at least one rule for scheduling events according to a value of the customer at the service location that generated the event (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 11, 33, 56, 73, 86, and 100:

Art Unit: 3713

- the customer value is based on potential revenue generated by the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60) .

Regarding Claims 12, 34, 57, 74, 87, and 101:

- the customer value is based on a theoretical win profile of the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60) .

Regarding Claims 13, 35, 58, 75, 88, and 102:

- the customer value is based upon a room rate occupied by the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 14, 36, 59, 76, 89, and 103:

- the customer value is based upon a type of room occupied by the customer.

Regarding Claims 15, 37, 60, 77, 90, and 104:

- the customer value is based on a number of persons in a party associated with the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 21, 43, 46, 66, 83, 96, and 110:

- a customer database, communicatively coupled to the decisioning system and containing customer records indicating for each customer a measure of the customer's value and customer's identification number, the decisioning system receiving from a service location a customer identification number and querying the customer database with the received customer identification number to obtain the

measure of the customer's value, the decisioning system scheduling the event for service according to the obtained customer value (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 22, 44, 67, 84, 97, and 111:

- each service location includes a customer identification card reader, for reading a customer identification card reader, for reading customer identification number from a customer identification card (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the broker management and communication system of Patterson, Jr. et al. in Boushy et al. One would be motivated to do so because by differentiating the value of a customer in a casino one would need a process by which the casino could provide distinguished services to the valued customer, such as improved food and beverage services, and slot change or slot fill services.

#### *Response to Arguments*

4. Applicant's arguments filed April 2, 2003 have been fully considered but they are not persuasive.
5. Applicant overcomes the objections to the drawings by submitting marked-up drawings correcting the deficiencies noted in Office Action, Paper No. 9. Therefore, the objection to the drawings is withdrawn.

Art Unit: 3713

6. Applicant overcomes the objection to the specification by submitting an amendment correcting the items noted in Office Action, Paper No. 9. Therefore, the objection to the specification is withdrawn.

7. Applicant overcomes the objection to claim 25 by submitting an amendment correcting the item noted in Office Action, Paper No. 9. Therefore, the objection to the claim is withdrawn.

8. Applicant overcomes the rejection to claims 1, 3-23, and 25-44 under 35 U.S.C. 112, second paragraph by submitting an amendment correcting the items noted in Office Action, Paper No. 9. Therefore, the rejection to the claims under 35 U.S.C. 112, second paragraph are withdrawn.

9. Applicant respectfully traverses the rejection to claims 1, 3-23, 25-69, and 71-111 under 35 U.S.C. 103(a) as being unpatentable over Patterson, Jr. et al. (U.S. 5,774,877) in view of Boushy et al. (U.S. 6,003,013). Applicant alleges Patterson in view of Boushy does not disclose or suggest the claimed invention.

10. Applicant alleges Patterson is not directed to providing service to customers at service locations, rather Patterson describes a system for transferring market orders and quote requests to a floor broker on the floor of a financial exchange. However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

11. Applicant alleges Boushy does not disclose selecting a service attendant to provide service to customers at service locations. Applicant additionally alleges Boushy fails to disclose

Art Unit: 3713

or suggest communicating to a selected service attendant a message "indicating the service location at which the event is to be serviced." The examiner respectfully disagrees. First, Boushy suggests communicating to a selected service attendant a message "indicating the service location at which the event is to be serviced" based on customer worth. The examiner points to Boushy in column 3, lines 17-20 for support which states, "Differentiation of the customer in this manner also enables the casino to provide distinguished services to the customer, such as improved food and beverage services, and slot change or fill services." In order to provide "distinguished services" to a valuable customer based on customer worth, some type of communication system must be used to inform attendants to service a particular customer at a particular service location (such as a slot machine). Second, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

12. Applicant alleges the proposed combination of Patterson and Boushy is not proper. Applicant alleges Patterson does not address the problem of providing service to customers at service locations. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, the examiner relies on Boushy for "customer locations."

Art Unit: 3713

13. Applicant alleges Boushy fails to disclose the possibility of applying a modified version of Patterson's two-way pager system to assign service to service attendants to provide service to customers at service locations. The examiner respectfully disagrees. Boushy suggests communicating to a selected service attendant a message "indicating the service location at which the event is to be serviced" based on customer worth. The examiner points to Boushy in column 3, lines 17-20 for support which states, "Differentiation of the customer in this manner also enables the casino to provide distinguished services to the customer, such as improved food and beverage services, and slot change or fill services." In order to provide "distinguished services" to a valuable customer based on customer worth, some type of communication system must be used to inform attendants to service a particular customer at a particular service location (such as a slot machine). The examiner relies on Patterson for the "communication system."

14. Applicant alleges Boushy fails to suggest it would be desirable to have a decisioning and communication system. The examiner respectfully disagrees. Boushy suggests communicating to a selected service attendant a message "indicating the service location at which the event is to be serviced" based on customer worth. The examiner points to Boushy in column 3, lines 17-20 for support which states, "Differentiation of the customer in this manner also enables the casino to provide distinguished services to the customer, such as improved food and beverage services, and slot change or fill services." In order to provide "distinguished services" to a valuable customer based on customer worth, some type of communication system must be used to inform attendants to service a particular customer at a particular service location (such as a slot machine).

Art Unit: 3713

15. Therefore, for the reasons discussed hereinabove, the examiner maintains the rejection as stated in Office Action, Paper No. 9.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kweitko et al. '077 and Kotzin et al. '180 disclose automated gaming device and slot machine service communication systems.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael O'Neill, Acting SPE can be reached on (703) 308-1148. The fax phone

Art Unit: 3713

numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SET

sej

July 3, 2003

*m o'neill*

MICHAEL O'NEILL  
PRIMARY EXAMINER